

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

STATE OF TEXAS,
Plaintiff,

v.

U.S. DEPARTMENT OF THE
INTERIOR, ET AL.,
Defendants.

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Case No. MO:24-CV-00233-DC

AMENDED
SCHEDULING ORDER

BEFORE the Court is the Parties' Agreed Motion to AMEND the Scheduling Order. The Court GRANTS the Parties' Motion and AMENDS its Scheduling Order as follows:

In lieu of a report on alternative dispute solution, the parties are ordered to mediate this case in compliance with Local Rule CV-88 on or before thirty (30) days prior to the date of the final pretrial conference. The parties must also ensure the provider files a notice of outcome in compliance with Local Rule CV-88(g) within five (5) days of the mediation.

1. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties by **Monday, March 22, 2025**, and each opposing party shall respond, in writing, by **Wednesday, April 21, 2025**.

2. The parties shall file all motions to amend or supplement pleadings or to join additional parties by **Friday, June 11, 2025**. If Plaintiff amends its Complaint to add additional claims, Defendants reserve the right to supplement or amend the Administrative Record. Defendants agree to confer with Plaintiff before do so.

Administrative Record

3. Defendants shall assemble a provisional Administrative Record and transmit a copy to Plaintiff no later than bu.

4. Plaintiff shall identify to Defendants, in writing, any issues regarding the provisional Administrative Record no later than **Friday, May 28, 2025**.

5. The Parties shall meet and confer, by phone or videoconference, regarding administrative record issues by **Friday, June 11, 2025**.

6. By **Friday, July 9, 2025**, Defendants shall transmit to Plaintiffs and lodge with the Court (1) the entire Administrative Record in this case and (2) an affidavit authenticating the Administrative Record, detailing the process and procedure by which the Administrative Record was collected, and certifying its completeness.

7. Plaintiff shall file any objections or motions to complete or supplement or amend the Administrative Record no later than **Friday, August 13, 2025**. If Plaintiff believes discovery is needed to supplement or amend the Administrative Record, it shall file a motion for leave to do so by this date with a copy of the specific discovery sought. Defendants maintain that the scope of review for all claims in this case is confined to the Administrative Record and reserve all rights to oppose any motion seeking discovery. Any disputes regarding the sufficiency, scope, or content of the Administrative Record or the supplementation of the same or regarding discovery not raised during consultation of the Parties, if practicable, and by objection or motion on or before **Friday, August 13, 2025**, will be deemed to have been waived. Defendants shall file their response to Plaintiff's objections or motions no later than **Friday, September 10, 2025**. Plaintiff shall file its reply in support of its objections or motions no later than **Friday, October 1, 2025**.

8. The filing of any objection or motion to complete or supplement the Administrative Record or motion for leave to conduct discovery will vacate any deadlines set for briefing cross-motions for summary judgment. Within 14 days of either (i) the date the Court resolves Plaintiff's motion on the Administrative Record or (ii) the date the Defendants lodge an updated Administrative Record as ordered by the Court to resolve Plaintiff's motion on the Administrative Record, whichever is latest, the Parties will propose a new schedule for briefing cross-motions for summary judgment.

Cross-Motions for Summary Judgment

13. If Plaintiff does not file a motion on the Administrative Record by **August 13, 2025**, the Parties shall adhere to the following dispositive briefing schedule:

a. Plaintiff shall file its motion for summary judgment no later than **September 17, 2025**. Such brief shall be limited to 35 pages.

b. Defendants shall file their combined cross-motion for summary judgment and response to Plaintiff's motion no later than **November 12, 2025**. Such brief shall be limited to 45 pages. Parties' Scheduling Recommendations 5

c. Plaintiff shall file its combined reply in support of its motion and response to Defendants' cross-motion no later than **December 17, 2025**. Such brief shall be limited to 40 pages.

d. Defendants shall file their reply in support of their cross-motion for summary judgment no later than **January 14, 2026**. Such brief shall be limited to 30 pages.

It is so **ORDERED**.

SIGNED this 24th day of February, 2025.

A handwritten signature in black ink, appearing to read "David Counts", written over a horizontal line.

DAVID COUNTS
UNITED STATES DISTRICT JUDGE